

Shoreline Management Act (SMA)

Guidance in Administering Permit Exemptions

Key points to remember

1. Exemptions are from permitting only.

Although a project may be exempt from the Substantial Development Permit (SDP) PROCESS, it must comply with the SMA and all applicable Master Program policies and regulations.

2. Exemptions shall be construed narrowly.

If there is doubt whether a project meets the precise terms of a listed exemption, then a permit is required. It may be useful to consult with Ecology staff.

3. An exemption from the SDP process does not modify or eliminate any requirement for a shoreline variance or conditional use permit.

4. If any part of project requires an SDP permit, then no exemption should be granted.

5. Exemptions should be specific and in writing and include site plans.

Exemptions should clearly spell out what is being approved. It might be helpful to note, as well, what is NOT being approved in order to avoid misunderstanding or problems later.

6. Conditions can be added to exemptions to ensure substantive compliance.

7. Emergency Exemptions should not be used to allow long-term retention of new structures.

When an applicant demonstrates an urgent unforeseeable need, temporary measures are allowed. After the emergency passes, the project applicant must either remove the structure or obtain a permit.

THE SHORELINE ACT IS TO BE BROADLY CONSTRUED TO EFFECT ITS PURPOSES AS SET OUT IN RCW 90.58.020.

When deciding if a proposed action will be consistent with the law, **ALWAYS CONSIDER THE BROAD POLICIES AND THE SPECIFIC REGULATIONS** of both the Shoreline Management Act and the local master program.

Use the permit or exemption process to assure that projects **MINIMIZE INsofar AS PRACTICAL ANY DAMAGE TO THE SHORELINE ENVIRONMENT** or interference with the public's use of the water.